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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,355	02/25/2004	Robert Linley Muir	18226US01	4864
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EXAMINER HENRY, THOMAS HAYNES				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,355

**Applicant(s)**

MUIR, ROBERT LINLEY

**Examiner**

THOMAS H. HENRY

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 35-38, 42-45, 47-51, 55-58, and 60 are rejected under 35

U.S.C. 102(e) as being anticipated by Michaelson (US 6866584).

3. In re claim 35, Michaelson discloses

- Upon receipt of a user input initiating a game on the game console, the secure storage and processing device processing a random seed stored by a seed buffer to generate a set of random numbers, the secure storage and processing device determining an outcome for the initiated game based at least in part on the set of random numbers and communicating the determined outcome to the game console via the secure storage and processing device read/write interface (column 9 lines 6-15, column 12 lines 11-17)
- Periodically determining whether a number of unprocessed seeds stored by the seed buffer is less than a predefined number, in response to determining that the number is less than the predefined number, the game console automatically requesting a plurality of additional seeds from the game server

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for subsequent storing in the seed buffer to determine future game outcomes and communicating the plurality of additional seeds to the gaming console for storing in the seed buffer. (column 7 lines 6-21)

4. In re claim 47, Michaelson discloses

- A game server (figure 4 #402)
- A game console (figure 4 #404, #406. The console is being broadly and reasonably interpreted as including the central determination system) comprising a seed buffer (column 7 lines 6-21), the game console arranged to communicate with the game server over a communication network (column 6 lines 21-49)
- A seed buffer coupled to the gaming console (column 7 lines 6-21)
- A secure storage and processing device removably coupled to the gaming console via a secure storage and processing device read/write interface (figure 4 #404), the secure storage and processing device arranged to carry out the following steps in order to facilitate game play on the console:
  - Process a random seed stored by the seed buffer to generate a set of random numbers in response to a user initiating play of a game on the gaming console, determining an outcome for the game based at least in part on the set of random numbers and communicating the determined outcome to the gaming console via the secure storage and processing device read write interface (column 9 lines 6-15, column 12 lines 11-17)
- Automatically request, via the gaming console, a plurality of additional seeds from the game server for subsequent storing in the seed buffer, in response

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to the game console determining that a number of unprocessed seeds stored in the seed buffer is less than a predetermined number (column 7 lines 6-21)

5. In re claims 36 and 48, Michaelson discloses the number of additional seeds communicated to the gaming console is dependent on a delay associated with requesting seeds over the communication network (column 7 lines 44-49)

6. in re claims 37 and 50, Michaelson discloses the secure storage and processing device is a smartcard or smartcard chip (any sort of processor can be broadly and reasonably interpreted as a smart card or smartcard chip)

7. In re claims 38 and 51, Michaelson discloses that the outcome is a gamble outcome such that after determining the gamble outcome, the gaming console chooses a game outcome which will achieve the determined gamble outcome (column 9 lines 6-15, column 12 lines 11-16)

8. In re claims 42 and 55, Michaelson discloses the game play includes receiving a bet on an outcome of the game (column 10 lines 13-15)

9. in re claims 43 and 56, Michaelson discloses a maximum loss value which inhibits play of the game represented by a number of unprocessed random seeds when the bet exceeds a number of wins by the maximum loss value or greater (column 10 lines 13-15)

10. in re claims 44 and 57, Michaelson discloses the secure storage and processing device prevents a bet from being placed that will cause a maximum loss value to be exceeded (column 10 lines 13-15)

11. In re claims 45 and 58, Michaelson discloses that the read write interface of the gaming console communicates with the smartcard via a secure

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communications system (Any communication system can be broadly interpreted as being secure)

12. In re claim 49, Michaelson discloses that the random number generator uses an algorithm known to the server, whereby the server can predict the set of random numbers derived from each random seed (column 8 lines 19-22)

13. In re claim 60, Michaelson discloses a non volatile memory is provided in the smartcard for recording player bet values (fig 1 # 40) and a total value owed to the player (as the amounts are paid to the player, the value owed is inherently stored at some point in time.)

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 39-41, 46, 52-54, 59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelson in view of Schneier (US 5871398).

16. In re claims 39 and 52, Michaelson discloses the claimed invention except game verification data based on the determined outcome which is stored until the secure storage and processing device is in communication with the gaming server, at which time the secure storage and processing device communicates the game verification data to the gaming server via the gaming console.

However Schneier discloses game verification data based on the determined

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outcome which is stored until the secure storage and processing device is in communication with the gaming server, at which time the secure storage and processing device communicates the game verification data to the gaming server via the gaming console. (column 7 lines 54-67). It would have been obvious to one of ordinary skill in the art to combine Michaelson with Schneier in order to avoid cheating or hacking of the gaming consoles described in Michaelson.

17. In re claims 40 and 53, Schneier discloses the server processing the verification data to establish whether the associated determined outcome is valid prior to allowing a player of the gaming console to affect a cash out action (column 7 lines 54-67)

18. In re claims 41 and 54, Schneier discloses allowing further games to be played on the gaming console until all seeds have been processed irrespective of whether the game verification data has been communicated to the game server (column 7 lines 54-67)

19. In re claims 46 and 61, Schneier discloses the console sending a signal to the server via the secure storage and processing device describing a state of a game being played to the gaming server (column 6 lines 54-67)

20. In re claim 59, Schneier discloses the server including an auditing device for checking game verification data returned from the secure storage and processing device in the console (column 7 lines 54-67, column 8)

***Response to Arguments***

21. Applicant's arguments with respect to claims 35-61 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THOMAS H. HENRY** whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

Thomas H Henry  
Examiner  
Art Unit 3714